

From: Wes Henry
To: Microsoft ATR
Date: 1/23/02 2:23pm
Subject: Microsoft Settlement

Hello:

I have read about the proposed settlement in the Microsoft anti-trust case, and I am not in favor of it in its current state. Please consider this a vote against the current settlement, as well as a vote to seek a settlement that is more favorable to Microsoft's competitors.

I do not feel the proposed settlement adequately prevents Microsoft from utilizing its monopoly status in unfair and illegal ways in the future, nor does it adequately address the gains Microsoft has received by abusing its monopoly status in the past.

Without appropriate penalties for its previous behavior, Microsoft will not be discouraged from acting similarly in the future.

Likewise, without appropriate measures taken to prevent continuing monopolistic behavior, Microsoft will not be prevented from acting similarly in the future.

So, in effect, nothing changes, and the proposed settlement amounts to nothing more than a slap on the wrist to Microsoft.

The damages Microsoft has caused to the software industry, the computer industry as a whole, and to everyone and every business who uses computers in some fashion in their daily activities is incalculable.

For example: Microsoft Windows and Microsoft Outlook are the two primary weaknesses in the spread of computer viruses. It is estimated that costs of recovering from and dealing with two viruses: Nimda and Code Red just in the last year were nearly \$1 billion.

That is a very significant burden to the US and even the world economy. And represents only two of the tens of thousands of viruses that affect Microsoft Windows and Microsoft Outlook.

But it doesn't even begin to estimate the losses caused by the monopolistic destruction or assimilation of companies like Netscape and countless others who developed competitive software to Microsoft products.

Innovation is what fuels the US technology marketplace and Microsoft acts counter to innovation in the marketplace. In fact Microsoft has never created an innovative product in its entire existence. Instead it simply copies the products and/or features of its competitors and then uses its monopoly powers to ram its products down the throats of consumers and drive

its competition out of the marketplace.

Choice is the power consumers must have in order to keep innovation alive. Without choice, without the freedom to choose the products they want, consumers are trapped in the Microsoft monopoly.

I ask you to abandon the currently proposed settlement and think about what it is that would return the marketplace to a fair and competitive state now, and in the future.

Specifically I would like to recommend:

- 1) Microsoft be split into (at least) three separate and completely independent corporations: Operating Systems / Applications / Other Products
- 2) Microsoft be forced to open up the COMPLETE source code to all windows versions, with a process for review such that industry experts can inform the DOJ when they find omissions or errors in the source code released by Microsoft and have these issues resolved by the DOJ through forced compliance and additional fines for each infraction such as errors or omissions in the source code released.
- 3) Microsoft be forced to release the specifications for all file formats used by Microsoft products and be prevented from using file formats which are not openly documented for a period of at least 10 years (or a period corresponding to the time Microsoft has been a monopoly, whichever is longer.)
- 4) Individual policy makers within the company should be held accountable for further monopolistic actions. Hiding behind a corporate veil makes it easy for the administration to direct Microsoft to further abuse their monopoly. But being held personally responsible for directing the company or its employees to act against the law would go further than any penalties faced by the corporation as a whole towards curtailing further abuse of the Microsoft monopoly.

A new and more fair settlement also needs to address the damages caused by Microsoft to its competitors and to its customers.

Specifically, I would like to recommend:

- 1) Severe fines for abuse of its monopoly position
- 2) Settlement fines paid to companies like Netscape, Sun, and others who have been unfairly damaged by Microsoft in the past

Microsoft has proven themselves to be abusers of their monopoly position. And they've shown over and over again their eagerness to act unfairly or unethically in an effort to strengthen their monopoly even further.

Only the strongest of actions can even have a hope of restoring the marketplace to a fair and competitive environment. Only the strongest of

actions can even start to undo the wrongs caused by the monopolistic abuses of Microsoft.

Sincerely,

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